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ABSTRACT

This issue of WIN (Welfare Information Network) Issue Notes focuses on helping low-income mothers with criminal records achieve self-sufficiency. Section 1 offers background. Section 2 answers these policy questions: why states might want to focus on serving low-income mothers with criminal records; how states can encourage employers to hire ex-offenders; how eligibility restrictions on certain public benefits affect a state's ability to meet the basic needs of some low-income mothers with criminal records; and how states can help mothers reunite with their children prior to and following their release from prison. Section 3 summarizes research findings on background information on inmates/parents in state and federal correctional facilities and initiatives to help ex-offenders with reentry. Section 4 describes innovative practices and contact information for programs in Colorado, Illinois, Idaho, Indiana, New York, and Texas. Seven resource contacts and 15 publications are listed. (YLB)

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WELFARE INFORMATION NETWORK

ISSUE NOTES

Vol. 4, No. 13 December 2000

Helping Low-Income Mothers with Criminal Records Achieve Self-Sufficiency

By Rebecca Brown

Background

Women are the fastest-growing segment of the U.S. prison population. In 1999 about 53,600 state and federal prisoners were mothers with children below age 18, compared with 29,500 in 1991. Incarcerated women with minor children comprise the majority of women in prison (65 percent in federal prisons and 59 percent in state prisons). Most women in prison have low incomes, and approximately 10 percent of mothers in state prisons report having a child in foster care (Mumola, August 2000). These numbers do not reflect, however, low-income mothers with criminal records who are serving alternative sentences or who are on probation or parole.

Low-income mothers with criminal records face numerous challenges to self-sufficiency. They often have little work experience and low levels of education that hinder their ability to attain higher-paying jobs with benefits. Most employers are cautious about hiring ex-offenders and often associate a criminal background with an increased chance for theft, physical endangerment, substance abuse, and other negative behaviors. Some states bar criminal offenders from certain occupations involving vulnerable populations, such as child care, elder care, and health care. Physical and mental health problems, often combined with substance abuse and a history of domestic violence, also are barriers confronting many low-income mothers with criminal records.

Some low-income mothers with criminal records also are denied access to public benefits, such as welfare cash assistance, food stamps, and federal housing assistance, that may be key to their transition to self-sufficiency. Restrictions on these public benefits largely apply to individuals with *drug-related criminal histories. However, drug-related offenses comprise the majority of crimes committed by women with criminal records and, therefore, a significant number of them will likely face challenges in accessing such benefits.*

Poor mothers who are ex-offenders also often face barriers in maintaining parental rights and reuniting with their children once they are released from prison or residential substance abuse treatment. These mothers often have had to place their children with relatives or foster parents during their absence. Under the federal Adoption and Safe Families Act of 1997, states face increased pressure to terminate the parental rights of parents with children placed in foster care, posing special challenges for low-income mothers with criminal records and/or drug addictions.

Policy Questions

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Why might states want to focus on serving low-income mothers with criminal records?

Helping low-income mothers with criminal records secure jobs and obtain needed employment supports can reduce financial and nonfinancial burdens on government, employers, and society. By

adopting policies and implementing programs that promote the job retention of low-income mothers who have criminal records, states can minimize the number of families that are dependent on Temporary Assistance for Needy Families (TANF) and other public benefits; decrease rates of recidivism, or reoffending, that increase criminal justice system expenditures; and help families move toward self-sufficiency before they reach TANF time limits. Helping ex-offenders maintain gainful employment also benefits employers of entry-level workers who face a tight labor market, a shortage of skilled workers, and high staff turnover rates that result in lower levels of productivity and increased costs. Employing ex-offenders also benefits society by reducing crime levels in communities nationwide.

States can devise strategies now for moving low-income women who are ex-offenders into steady employment, as well as for meeting their basic needs should they reach the TANF time limit and still need assistance. In the 28 states that chose to maintain the 60-month federal lifetime limit on TANF, families will begin to reach the time limit as early as October 2001. However, in states that opted to apply shorter time limits, families have already reached the limits in 18 states, and families in three additional states will reach them during the next year (Schott, June 21, 2000). In addition to their criminal record, low-income mothers who are ex-offenders often experience domestic violence, substance abuse, mental health, or other problems that may prolong their receipt of TANF and increase their risk of reaching the time limit. Nearly 80 percent of incarcerated men and women—about 1.4 million people—are seriously involved with drug and alcohol abuse and the crimes associated with it (Belenko, January 1998). Substance abuse also often interferes with an ex-offender's ability to reintegrate back into society successfully. For example, in California, four out of five former inmates returned to prison for technical violations of their parole, such as failing a drug test, rather than for committing new crimes.

How can states encourage employers to hire ex-offenders? States can use intermediary services, employer education strategies, and business incentives to encourage the hiring of ex-offenders. Linking employers with intermediary organizations that provide education and training and community work experience for low-income mothers with criminal records can be a useful strategy. Intermediary providers that work with ex-offenders can assist in job placement by coaching the ex-offender on how to address her criminal record in a job interview, performing preliminary background checks, and conducting random drug tests. Often, providers award participants with certificates of "completion" or "good conduct" that can also serve as a mark of achievement to employers. In addition, intermediary providers can pursue relationships with employers who are more likely to hire ex-offenders, such as those in the construction, food service, and manufacturing sectors.

States can also educate employers about the supports and workplace flexibility that may be needed to ease an ex-offender's transition to work. For example, low-income mothers with criminal records may need to leave the workplace to attend court hearings, appointments with a parole officer, or substance abuse treatment. Employers can help by allowing some flexibility in the employee's work schedule to keep such appointments.

States can inform employers about federal programs designed to encourage employers to hire ex-offenders and other "at-risk" populations. For example, the Work Opportunity Tax Credit (WOTC), a tax credit available through the U.S. Department of Labor (DOL), encourages private employers to hire from eight targeted groups of job seekers, including ex-felons. The maximum credit available is $2,400 per eligible new worker.

In addition, employers may claim the Welfare-to-Work Tax Credit for welfare recipients who have received TANF for at least 18 consecutive months preceding the date of hire; members of a family that has received TANF for at least 18 months after August 5, 1997; or members of a family that is no longer eligible for assistance after August 5, 1997, because of federal or state time limits. The maximum credit available is $8,500 if the employee is retained for two years. If employees qualify for both WOTC and the Welfare-to-Work Tax Credit, employers may claim only one of the tax credits. For more information, visit http://www.sba.gov/welfare/irs99-51.html.

Finally, the federal bonding program, also sponsored by DOL and administered at the state workforce agency level, seeks to alleviate employer concerns that at-risk job applicants would be untrustworthy workers. It allows employers to purchase fidelity bonds to protect them against the loss of money or property because of employee dishonesty. The bond is free, is usually valued at $5,000, and insures the employer for any type of loss caused by theft, forgery, larceny, or embezzlement. For more information, visit http://wtw.doleta.gov/documents/fedbonding.htm.

How do eligibility restrictions on certain public benefits affect a state's ability to meet the basic needs of some low-income mothers with criminal records? *Individuals committing certain crimes are prohibited from some public benefit programs that may be critical to their transition to self-sufficiency. These programs include TANF, the Food Stamp program, Medicaid, and housing assistance.*

TANF, Food Stamps, and Medicaid. The welfare reform law permanently bars any individual with a drug-related felony conviction from receiving federal TANF assistance and food stamps during their lifetime, unless a state opts out of the provision. As of January 2000, approximately 28 states reported they deny at least some TANF-funded benefits to convicted drug felons. For details on these states, visit http://www.welfareinfo.org/HardtoServe.htm. Some of these states provide exceptions to the ban for certain types of drug felonies or for individuals who participate in drug treatment programs. The ban only applies to conduct that occurred after August 22, 1996.

The federal welfare law also stipulates that states cannot provide public assistance, Medicaid, and food stamps to those who are "violating a condition of probation or parole." However, the law does not address what constitutes a parole or probation violation that would trigger the benefit ban or define when the period of ineligibility begins and ends. Therefore, states must clarify when an individual would be ineligible for these benefits because of violating a condition of probation or parole. In New York, for example, a client is not restricted from receiving benefits until a warrant is outstanding or a court administrative hearing determines the individual has violated the terms of his or her probation or parole. New York law also specifies that the ban ends as soon as the violator returns to compliance (Legal Action Center, 2000).

Housing. Public housing law requires public housing authorities (PHAs) and other providers of Section 8 and other federally assisted housing to deny housing to certain individuals. Those who are evicted from federally assisted housing because of drug-related criminal activity may not receive such housing assistance for three years. In addition, household members abusing alcohol in a way that jeopardizes another resident's health or safety, or household members using illegal drugs, are ineligible for housing assistance. Housing providers may choose to grant these individuals assistance if they can demonstrate they have been rehabilitated in one of three ways: through participation in a supervised substance abuse treatment program, through completion of a supervised substance abuse treatment program, or through successful rehabilitation in some other manner. Public housing law also allows housing providers to deny housing assistance in certain other cases of criminal activity. For more information, contact the Legal Action Center at 212/243-1313.

Given these benefit restrictions, how can states promote ex-offenders' self-sufficiency directly or in partnership with other public or private resources? Restrictions on eligibility for certain public programs may limit a state's ability to support low-income mothers who are ex-offenders, particularly those who have drug-related convictions. Ex-offenders returning to the labor market typically start out in low-wage jobs without health care and other benefits. To retain employment, these mothers may need transitional work supports, such as temporary cash assistance, Medicaid, and food stamps. Obtaining safe and affordable housing also is a major obstacle to self-sufficiency for many of these women.

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States may want to think about serving low-income mothers with criminal records in terms of identifying how current policy might be changed as well as determining what public sources can be leveraged to serve ex-offenders absent any policy changes. For example, states may want to assess how their initial TANF policy choices are affecting low-income mothers with criminal records and drug addictions, and determine how they can be changed to promote ex-offenders' movement toward self-sufficiency. Such an assessment is particularly applicable to the drug felon provision under PRWORA. In addition, state and local welfare, workforce, and corrections agencies can work with PHAs to craft housing policies that do not exacerbate housing barriers for low-income mothers with criminal records.

States have other options for funding cash assistance and support services for poor mothers ineligible for TANF-funded and other benefits because of their criminal records. For example, state maintenance-of-effort (MOE) funds, or other state-only funds can be used to provide cash, food, health care, and housing assistance to individuals outside of the TANF program. Funds spent outside of TANF are not subject to TANF time limits and work requirements, and this may benefit states needing more time to help these families get back on track. Substance abuse treatment services can be paid for with MOE, Substance Abuse Prevention and Treatment block grant, Social Services Block Grant, and Medicaid funds. The Community Development Block Grant can be used for housing, nutrition, emergency, and health services.

In addition to making policy changes and identifying public resources outside of the TANF program, states can engage foundations and community and faith-based organizations in serving low-income mothers with criminal records. These private and nonprofit entities can fund as well as help coordinate services for ex-offenders who must navigate a fragmented system of benefits and balance multiple, sometimes conflicting, program requirements. For example, a low-income mother may be required to work 30 hours per week under TANF, but also required to attend substance abuse treatment and parenting classes as part of her involvement with the child welfare system or as a condition of her parole. Organizations serving as liaisons between systems are in a unique position to identify program requirement conflicts as well as suggest potential adjustments in requirements to state agency administrators. Welfare agencies can also engage state and local departments of labor, child welfare, corrections, and substance abuse and mental health to determine how to effectively provide employment services and supports to this population.

How can states help mothers reunite with their children prior to and following their release from prison? Low-income mothers who serve prison sentences and/or enter residential substance abuse treatment face special challenges with regard to the care of their children and the maintenance of their parental rights. The children of mothers in such circumstances are typically placed with relatives or foster parents during the mother's absence. If the state files a dependency and neglect action and the child enters the child welfare system, it is critical that incarcerated mothers or mothers in residential treatment stay in contact with the professionals working on their child's case and appear at hearings about their child in person or by telephone. Failure to do so may result in the loss of parental rights and child custody. Key issues state and local agencies should emphasize with women inmates include custody issues, how to cooperate with the department of social services, and the importance of meeting child support obligations to the state or temporary care providers during their incarceration. Child support offices can always review and modify child support orders using the state's child support guidelines so they better reflect an individual's ability to pay. Incarceration is generally not viewed as grounds for an automatic modification, so incarcerated parents must file a request for a review and modification. Requests are considered by the child support agency and based on agency policy and court decisions in that jurisdiction, they may be denied if incarceration is considered "voluntary unemployment." For more information, see the Welfare Information Network (WIN) Issue Note "Support Services for Incarcerated and Released Non-custodial Parents," at http://www.welfareinfo.org/heidijune2.htm.

New time limits on the termination of parental rights under the federal Adoption and Safe Families Act (ASFA) of 1997 increase the need for absent mothers who become involved with the child welfare system to work closely with the state to maintain custody of their children. The timelines in ASFA require the child welfare system and courts to make rapid decisions regarding permanency for children placed in foster care. Permanency hearings, where a court determines where and with whom the child will live, occur within 12 months after the date the child entered foster care. In cases where the court determines that reasonable efforts to reunite the child with the family are not required—ASFA outlines the circumstances under which this can occur—then a permanency hearing must be held

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within 30 days of that finding. States can help low-income mothers retain custody by linking them with community-based organizations that can serve as a liaison between the absent mother, child welfare agency, and courts and improve coordination of the mother's case.

Research Findings

In 1997 the U.S. Department of Justice's Bureau of Justice Statistics surveyed inmates in state and federal correctional facilities and correlated statistics specifically about inmates who were parents. A majority of women in prison were mothers with at least one minor child (65 percent among state female prisoners and 59 percent among federal female prisoners). Incarcerated mothers also tended to be poor, with a majority of mothers in both state prisons (70 percent) and federal prisons (66 percent) reporting incomes below $1,000 in the month prior to arrest. Three-fourths of the crimes committed by mothers in federal prisons were drug-related, with one in three reporting they committed their crime to get drugs or money for drugs. These mothers also have low levels of education, with a majority of parents in both state prisons (70 percent) and federal prisons (55 percent) reporting no high school diploma. Mothers in state prisons most often identified their child's grandparent (53 percent) or other relatives (26 percent) as the child's current caregiver; 10 percent reported their children were in foster care (Mumola, August 2000).

The Colorado Work and Family Center, a collaborative effort between the Colorado Division of Child Support Enforcement and Colorado Department of Corrections, provides incarcerated and paroled obligors assistance with employment, child support, and family reunification. Although the program serves primarily noncustodial fathers, its findings may help inform the implementation of other programs serving ex-offenders who are parents. Early outcome data shows that of the participants referred to employers, between 43 percent and 47 percent of them obtained employment. The jobs paid an average of $9 per hour and about half of them provided benefits. Followup interviews revealed most participants appreciated the program's services but had financial obligations exceeding their earnings. Nearly 40 percent of participants requested assistance in obtaining affordable housing. The Center for Policy Research is conducting a formal program evaluation, measuring such outcomes as client employment, child support payment, contact with children, and returns to prison. For more information, see WIN's Expanded Case Study "Designing Programs for Incarcerated and Paroled Obligors," at http://www.welfareinfo.org/expandedcasestudy.htm; or contact Jessica Pearson of the Center for Policy Research at 303/837-1555.

Last spring, the U.S. Departments of Justice, Labor, and Health and Human Services launched a Reentry Partnerships Initiative to develop reentry plans for ex-offenders and the communities to which they are returning. Local departments of human services, labor, and corrections in eight pilot sites are implementing services and interventions for ex-offenders, including using community corrections officers to supervise ex-offender behavior, hiring case managers to coordinate support services, providing substance abuse testing and treatment, and providing employment and training programs. The pilot sites are in Florida, Maryland, Massachusetts, Missouri, Nevada, South Carolina, Vermont, and Washington. The University of Maryland is conducting a process evaluation of the sites, and initial findings on program models and lessons learned are expected in spring 2001. For more information, visit the Reentry Partnerships Initiative's web site at http://www.ojp.usdoj.gov/reentry/whats_new.htm.

Innovative Practices

Colorado. The Colorado Division of Child Support Enforcement (CSE) and Colorado Department of Corrections collaborated to train prison staff on issues affecting, and services available for, incarcerated parents. The prison staff included case managers who are responsible for ensuring basic inmate compliance with programs leading to release, and program coordinators who work with inmates on reintegration issues, such as parenting, victim impact, and basic life skills. The one-day training program covered such topics as child support, child custody and visitation, welfare reform, domestic violence, child welfare, and available statewide resources. Staff conducting the training included representatives from CSE, a family law attorney, TANF and child protection administrators, and a coordinator of a domestic violence batterer treatment program. For more information, see WIN's Expanded Case Study "Designing Programs for Incarcerated and Paroled Obligors," at http://www.welfareinfo.org/expandedcasestudy.htm. Contact: Jessica Pearson, Center for Policy Research, 303/837-1555.

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Illinois. The Safer Foundation has provided ex-offenders with assistance in finding jobs since 1972. Clients are referred through a parole or probation officer, a community correctional center for inmates being released from higher security prisons, and self-referral. The foundation offers a one-week job readiness class, followed by immediate job placement and retention assistance. Women ex-offenders with little or no work experience can also receive up to 30 days of workplace culture training. Once the client is placed in a job, he or she meets with an employment specialist to discuss any workplace challenges the client is experiencing. Postemployment services can include case management and job retention and advancement services for a year or more. Other family members are often included in the postemployment process to help identify barriers the ex-offender is facing and to encourage the ex-offender to stick with the job. The foundation also maintains a database for its employment specialists to use in tracking client progress and identifying critical points of intervention when a client may be tempted to leave the job. Contact: Ron Tonn, associate vice president, Safer Foundation, 312/922-2200.

Idaho. The Idaho Region III Department of Health and Welfare uses TANF funds to contract with the Idaho Department of Corrections, Probation, and Parole, which then subcontracts with private providers to provide mentoring services, parenting skills programs, and family counseling andreunification services to low-income families that include an ex-offender, at least one child, and incomes up to 300 percent of poverty. The corrections department completes a needs assessment and refers clients to the appropriate service providers. The goal is to improve family functioning by preventing previously incarcerated parents from leaving the family unit or violating their parole because of difficu ties they experience in reintegrating with the family. Contact: Judy Webb, program manager, Idaho Department of Health and Welfare, 208/454-0421.

Indiana. Lawrence County is just beginning to target current, former, and potential TANF recipients who are incarcerated by identifying their needs while they are in prison and encouraging them to participate in the Indiana Manpower Placement and Comprehensive Training Program (IMPACT) once released. Clients are assessed and referred to employment assistance, basic education and literacy classes, substance abuse and mental health treatment, housing, and domestic violence services. Contact: Becky Reed, Blue River Services, 812/278-8392.

New York. The New York Office of Temporary and Disability Assistance allocated $5 million in TANF funds to programs providing substance abuse treatment, family reunification and parenting skills, and employment assistance to ex-offenders with TANF-eligible children. Seven programs, four in New York City, received funds effective July 1, 2000, to offer outpatient substance abuse treatment, job development, vocational rehabilitation, family counseling, and domestic violence services. For example, the Women's Prison Association & Home, Inc., in Manhattan and Brooklyn provides comprehensive case management services to address the overlapping relationships women with criminal records have with the public assistance, housing, child welfare, health, and criminal justice systems. Some participants will receive job readiness and job placement assistance through the Center for Employment Opportunities. Yonkers General Hospital provides pre-discharge substance abuse treatment planning for the Women's Unit at the Westchester County Jail and 12 months of follow-up services after the inmates' release. The state plans to fund five additional projects early next year. Contact: Pam Derrick, New York State Division of Probation and Correctional Alternatives, 518/485-2398.

New York. Bedford Hills Correctional Facility, New York's only maximum-security prison for women, conducts in-house parenting classes to help mothers maintain strong bonds with their children. At the prison's Children's Center, the inmates teach one another about how to encourage their children's success in school and how to talk to their children about their mothers' incarceration. Another parenting program, "Parenting through Film," promotes responsible parenting through film images of mothers as role models. The prison also assists mothers with custody and family law issues, as well as operates the Children of Bedford Fund, which pays tuition and related costs for inmates' children to attend private schools and colleges. Contact: Toni Campoamor, executive director, Children's Center, 914/241-3100.

Texas. Project RIO (Reintegration of Offenders) is a partnership among the Texas Workforce Commission, Texas Department of Criminal Justice, and Texas Youth Commission to reduce recidivism and unemployment among ex-offenders by providing prerelease and postrelease workforce skills training, education, vocational skills training, and job placement assistance. RIO staff are located in career centers throughout the Texas Workforce Network, the state's one-stop career center system. Program evaluation findings indicate participants in Project RIO experienced a 23-percent recidivism rate, compared with 38 percent among a comparable group of non-RIO

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ex-offenders. The project is funded using state general revenue dollars. Contact: Burt Ellison, director, Project RIO, Texas Workforce Commission, 512/463-0834.

For More Information...

RESOURCE CONTACTS

Center for Community Alternatives, Marcia Weissman, 315/422-5638.

Center for Employment Opportunities, Mindy Tarlow, 212/422-4850 or mtarlow@ceoworks.org.

Legal Action Center, Debbie Mukamal, 212/243-1313, ext. 21, or dmukamal@lac.org.

Mathematica Policy Research, Inc., LaDonna Pavetti, 202/484-4697 or lpavetti@mathematica-mpr.com.

Peter Young Housing Industries and Treatment, Father Peter Young, 518/465-8034 or appetery@aol.com

U.S. Department of Labor, Office of Welfare to Work, Mindy Feldbaum, 202/219-0181 or mfeldbaum@doleta.gov

Women's Prison Association, Ann Jacobs, 212/674-1163.

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